

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA           )  
  )  
          v.                            ) Criminal No. 99-220  
  )  
ODED TUITO                            )

MEMORANDUM AND ORDER OF COURT

DIAMOND, D.J.

Presently before the court is attorney Stephen Misko's CJA 20 voucher requesting payment in the amount of \$2,083.64 in connection with his representation of Oded Tuito in the above-referenced case.

The Judicial Conference of the United States has adopted a particular time limit with respect to appointed counsel filing vouchers for payment pursuant to the Criminal Justice Act. According to the Guide to Judicial Policies and Procedures, Appointment of Counsel in Criminal Cases, Chapter II, Part C, §2.21, "[v]ouchers shall be submitted no later than 45 days after the final disposition of the case, unless good cause is shown. ... Every effort should be made to have counsel submit the claim as soon as possible upon completion of services rendered."

In this case, attorney Misko completed his services to Tuito in June 2004. However, his pending voucher was not filed until December 14, 2005, 18 months after he completed his representation of Tuito. Clearly, attorney Misko's delay is contrary to the rule cited above. In addition, attorney Misko has failed to provide any justification to invoke the "good cause" exception to the 45-day rule.

In addition to being untimely, attorney Misko's request for payment appears to be disproportionate to the services he rendered in this case. In particular, his request for 13.5 hours for obtaining and reviewing records appears to the court to be excessive.

For all of the foregoing reasons, attorney Misko's request for payment as set forth on the CJA 20 form dated December 14, 2005, will be denied with leave for him to show good cause why his payment request was not timely filed, as well as to provide justification for the requested hours.

An appropriate order will follow.

O R D E R

AND NOW, this 21<sup>st</sup> day of December, 2005, for the reasons set forth in the memorandum above, IT IS ORDERED that attorney Stephen Misko's request for payment as set forth on the CJA 20 form dated December 14, 2005, be, and the same hereby is, denied. Attorney

Misko is granted leave to show good cause why his payment request was not timely filed, as well as to provide justification for the requested fee.



Gustave Diamond  
United States District Judge

cc: Stephen Misko  
106 S. Main St.  
Suite 704  
Butler, PA 16001

Finance Department  
United States District Court  
Western District of Pennsylvania